REMARKS

Claims 1-4, 7-19, and 21-38 are pending in the application. Claims 1, 3, 4, 19, 23, 24, and 25 are currently amended.

Claim Objections

Claim 3 has been amended to depend from claim 1.

Claim Rejections – 35 USC 112

Claims 1 and 23 – 24 are rejected under this section in Examiner's paragraph beginning on line 8 of page 3. With all due respect this paragraph is difficult to follow. In particular it is unclear what in the following sentence forms the "evidence" at the beginning of line 1 of this paragraph. Furthermore it is not clear what is meant by the quotation from the claims "prior knowledge" being followed by the words "in pages 2 and 5 -6...", since these words do not appear on these pages.

Insofar as this paragraph can be understood, it is believed that the point the Examiner wishes to make is that the qualification "prior" is not taught in the application as a qualification to the term "knowledge". As a result this term has been deleted from the claims.

If a different point was meant the Examiner is urged to contact applicant's attorney to finalize this issue, and at any event not to issue a final Office Action on this point alone, since the intention behind the rejection is not clear.

Claim 4 is rejected for not clearly setting the bounds of protection. Claim 4 has been amended to depend from claim 1. Thus claim 3 now defines that the mark-up language is XML, and claim 4 now independently defines that the final publication format is a mark-up language. These definitions are not connected, so that with claim 3 whatever is mark up language is further defined as XML. This would be at least the intermediate format but could also be the final publication format. In claim 4 the final publication format is in a mark up language. This is independent of whether the intermediate format is XML or merely any markup language.

In view of the above it is believed that the 112 issues are overcome.

Claim Rejections – 35 USC 101

Examiner rejects claims 19 – 22 and 35 – 38 as being directed to non-statutory subject matter.

In particular Examiner states that claim 19 does not clearly recite hardware.

With all due respect, Applicant is astonished to learn that current USPTO practice is not to regard servers as hardware. Claim 19 defines:

"(c) a publisher *server* for rendering the data from said mark-up language format to a final publication format,...".

A server is a computer that answers requests from and provides data to other computers. A server can only be a piece of hardware. There is no reasonable use of the English language in which the limitation "a server" can be "interpreted to be abstract in nature as for example a thought, a computation or manipulated data."

It is therefore respectfully believed that since claim 19 *does* clearly recite hardware, and a server *cannot* be understood as being abstract in nature as for example a thought, a computation or manipulated data, the rejection is overcome.

Applicant has added the limitation that the final format is a rendered electronic format for display, as part of his response to the 103 rejection below. It is believed that this further defines the *hardware already recited* in the claim as providing *a real world result.*

Claim Rejections – 35 USC 103

In this section of the Office Action, claims 1, 7-9, 14 – 19, 23 – 29, 31 and 35 - 36 were rejected under 35 USC 103(a) as being unpatentable over Tyan in view of Bobrow.

Favorable reconsideration of this rejection is respectfully requested since, as will be shown below, the above-amended claims are both novel and inventive over the prior art cited by the Examiner.

Examiner notes on page 8 final paragraph of the Office Action that the intermediate format in Tyan is the HTML format.

Examiner further notes on page 10 lines 4 – 6 of the rejection that the HTML format is the final publication format in Tyan.

It is thus clear that Tyan does not teach separate intermediate and final formats but a single format derived directly from the input forms the output.

The present invention by contrast involves an intermediate format between the input and the output known as the intermediate formats. It is believed that the claim already defines separate intermediate and final formats. However to expedite prosecution applicant hereby adds a clarification to claim 1 to clearly more recite that the final publication format is obtained *by a rendition of* the intermediate format. Thus the intermediate and final formats are not the same but one is a rendered *derivation* of the other.

The same amendments are made to the remaining independent claims.

To summarize, all the claims are believed to be allowable because the independent claims define that the final publication format is formed by rendering from the intermediate publication format.

Examiner's own admission regarding the prior art states "the final publication format is the same as the HTML format for HTML for authoring the visually appealing and useful web pages as described by Tyan." The Examiner does not point to any feature in Bobrow that teaches this limitation.

Thus neither Tyan nor Bobrow teach or hint that the final publication format is formed by rendering from the Intermediate publication format.

The remaining claims mentioned in this section of the Office Action are believed to be allowable as being dependent on allowable main claims.

All of the matters raised by the Examiner have been dealt with and are believed to have been overcome.

In view of the foregoing, it is respectfully submitted that all the claims now pending in the application are allowable.

An early Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

Martin D. Moynihan
Registration No. 40,338

Date: January 21, 2008